



REMARKS

Claims 1 and 5 have been slightly amended to improve their particularity.

Double Patenting Rejection

Independent claims 1, 5 and 12 were rejected as being directed to an invention which is not patentably distinct from claim 3 of the commonly assigned Keesman USP 5,606,369. That reference relates to video signal encoding apparatus wherein there are multiple video channels and a respective encoder in each channel which encodes the video signal therein into a data stream having a particular bit rate. A target setting means 14 combines the buffered outputs of the channels so as to maintain the sum of the channel bit rates constant. That is known in the art as "joint bit rate control" (Col. 1, lines 6-28).

There is no teaching in Keesman of how to determine the output bit rates of the buffers, and for that Keesman expressly states (Col. 2, lines 19-20) that cross-reference should be made to the present application. The sole independent claim 1 in Keesman specifies encoding in the respective input channels at respective bit rates, target setting means for specifying the channel bit rates so that the sum thereof will be substantially constant, and respective buffers for outputting the buffered channel signals at the specified rates. There is no suggestion of providing a buffer read-out bit rate which is a percentage of the read-in or write bit

rate into the buffer, which percentage is inversely relative to changes in the write bit rate, and both those limitations are in each of Applicant's claims 1, 5 and 12. It is therefore clear that said claims patentably distinguish from Keesman's independent claim 1.

Keesman claim 3 is dependent on his claim 1, and further specifies means for determining the output bit rate of each channel, calculating a further bit rate as a percentage of such output bit rate and inversely related thereto, and controlling the channel buffer output bit rate to be said further bit rate. Thus, the output bit rate of each channel buffer is set as a percentage of the channel output bit rate. That is altogether different from Applicant's claimed determination of the output bit rate of a buffer as a percentage of the input bit rate at which data is written into the buffer and inversely related thereto. There is no such teaching in Keesman, and similarly there is no teaching in the present application to set the output bit rate of a channel buffer as a percentage of the output bit rate of the encoder as claimed in Keesman.

Applicant therefore respectfully submits that there is clear patentable distinction between Keesman claim 3 and the claims of the present application, and consequently there is no possible double patenting there-between.

Kiriyama USP 5,561,466

This reference was not adequately identified in the Office Action. In a telephone interview on October 19, 1998 the Examiner fully identified it and also advised, consequently, that a new period of response would be set. Applicant appreciates that courtesy, and accordingly reserves the right to possibly submit a supplementary response to the Office Action within the extended period.

All claims were rejected as anticipated by Kiriyama, which relates to data multiplexing of video and audio signals. The video signal is first encoded into an encoded video signal for storage in a buffer memory, from which it is then read out in the form of video cells having a predetermined common cell length (Col. 1, lines 20-24 and lines 44-47; Col. 2, lines 55-57).

Kiriyama consistently describes read-out of the buffer memory 39 to obtain video and audio time slots with a predetermined common data length (Col. 5, lines 12-45; Col. 6, lines 35-61). Thus, the read-out bit rate is not determined as a percentage of the read-in bit rate as required by Applicant's claims 1 and 5. Also, the buffer occupancy varies from a full state to zero (Col. 6, lines 30-32), rather than being maintained at a substantially constant fullness level as required by Applicant's claim 12.

Accordingly, Applicant believes it clear that the claims herein patentably distinguish from the teachings of Kiriyama.

Conclusion

For the above reasons, it is believed that the present application is in condition for allowance. Reconsideration and such action is earnestly solicited.

Respectfully submitted,

By 

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By Noemi Chapa